

REMARKS

Favorable reconsideration of this Application and the Office Action of June 4, 2009 are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1, 2, 5-7, 10, 13, 17, 19, 20, 25, 26, 29-31, 34, 37, 41, 43 and 44 are pending in this Application. The Office Action fails to mention claim 17 as pending.

Claims 25, 26, 29-31, 34, 37, 41, 43 and 44 stand withdrawn as being directed to a non-elected invention; the Election having been traversed.

The elected composition claims that are under active consideration are claims 1, 2, 5-7, 10, 13, 17, 19, and 20.

Claim 1 has been amended. It already stated that it was drawn to an alkaline composition. Now that alkaline pH has been specifically recited. Support is found in the specification at paragraph [0009]. Also the amount of the metal halide salt, previously recited in claim 2 has now been canceled from that claim and inserted into claim 1. Withdrawn claims 25 and 26 have been similarly amended. Typos in claims 26 and 31 were corrected.

The election requirement is again respectfully traversed. As stated in Applicant's previous response the inventions are not separate and distinct as alleged, but are instead drawn to a single invention of compositions suitable for cleaning microelectronic substrates. The Office Action alleges that the compositions of group I claims may be used to etch glass, clean glass or as a dental treatment. As stated in Applicant's previous response these contentions are without any substantive basis or technical support and are mere unwarranted speculations. It is respectfully submitted that the claimed compositions will not have those uses and the USPTO cannot show that it would be likely to have those uses.

In the June 4 Office Action the PTO does not provide any specific substantive support to traverse Applicant's position and justify the PTO's naked assertions/contentions. Rather, without supplying any reasoning or citation of relevant disclosure in references, the Office Action merely nakedly asserts "as can be seen from the references cited below, a composition containing a base and metal halide can be used in processes beyond cleaning integrated circuits". The cited documents do not support any such assertion. US 4,704,212 relates to acidic compositions and thus would not provide any basis for concluding the Applicant alkaline composition would be useful in the laundering use of that patent. Moreover, the acidic compositions of this document must have metal halide salts of groups 1, 2 and 3 of the periodic table (see col. 2, lines 60-62), not the metal salts of Applicant's claims. US 3,923,962 not only does not disclose a composition like Applicants but relates to a reaction of ammonia and hexafluorosilicic acid and apparatus therefor to produce ammonium fluoride and silica. Nothing about this disclosure would show that Applicant's compositions have another use. The disclosure in DE 3444055A relates to antimicrobial compositions requiring hydrogen peroxide that is not required in Applicant's compositions. Furthermore this document must have a periodic table Group 1, 2 or 3 hexafluorosilicate salt and the hexafluorosilicate salts of Applicant's claims are not one of those Group 1, 2 or 3 hexafluorosilicates. Thus, nothing in this document would suggest that Applicant's claimed compositions that do not require hydrogen peroxide or have a Group 1, 2 or 3 hexafluorosilicate would be an antimicrobial composition. Likewise, the SU 1641773 document does not disclose any composition having a pH of 9 or greater (all disclosed are lower pH compositions). Additionally, the reference only discloses hexafluorosilicic acid, not a metal salt containing composition as in Applicant's compositions. Moreover, the amount of the acid is 18-26%, much more than the 0.5-10% of the metal salt required in Applicant's claims. Thus, this document cannot, in any way, suggest an alternative use for Applicant's claimed compositions. In view of the foregoing there is no basis for contending that Applicant's claimed compositions have another use that that claimed in Applicant's claims. Therefore, Applicant again respectfully traverses the election requirement and respectfully requests that the restriction requirement be reconsidered and withdrawn.

It is noted that the Office Action does not reject elected claims 17 and 20 on any prior art and, therefore, both are considered to be drawn to patentable subject matter.

The rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Schindler (US 4,704,212) under 35 U.S.C. 102(b) is respectfully traversed. The Office Action itself, in quoting from the Schindler disclosure, states a difference between that disclosure and Applicant's claims. As the Office Action states the composition in Schindler must be acidified solutions with a pH no higher than 4. In contrast, Applicant's compositions are alkaline compositions. Furthermore, the hexafluorosilicic acid salts of Schindler must be those from the first to third groups of the periodic table (Schindler at col. 2, lines 60-62) and are not the metal salts required by Applicant's claims. Thus, it is clear that the Schindler document discloses no compositions of Applicant's claims. Therefore, the USPTO is respectfully requested to reconsider and withdraw this lack of novelty rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Schindler (US 4,704,212) under 35 U.S.C. 102(b).

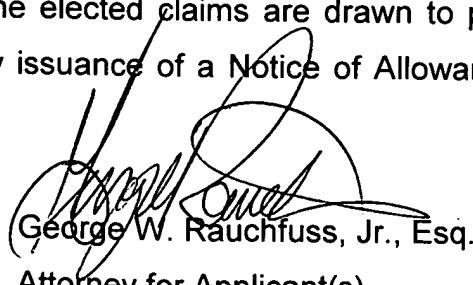
The rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Schaupp (US 3,923,962) under 35 U.S.C. 102(b) is respectfully traversed. No composition of Applicant's claims is disclosed in this document. US 3,923,962 not only does not disclose a composition like Applicants but relates to a reaction of ammonia and hexafluorosilicic acid (not the metal salts of Applicant's claims) and apparatus therefor to produce ammonium fluoride and silica. This is not within the scope of Applicant's claims and does not teach any composition within the scope of Applicant's claims. Thus, it is clear that the Schaupp document discloses no compositions of Applicant's claims. Therefore, the USPTO is respectfully requested to reconsider and withdraw this lack of novelty rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Schaupp (US 3,923,962) under 35 U.S.C. 102(b).

The rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Bansemir (DE 3444055A) under 35 U.S.C. 102(b) is respectfully traversed. The disclosure in DE

3444055A relates to antimicrobial compositions requiring hydrogen peroxide that is not required in Applicant's compositions. Furthermore, this document must have a Group 1, 2 or 3 hexafluorosilicate salt and the hexafluorosilicate salts of Applicant's claims are not one of those Group 1, 2 or 3 hexafluorosilicates. Thus, nothing in this document would disclose or teach a composition of Applicant's claims. Therefore, the USPTO is respectfully requested to reconsider and withdraw this lack of novelty rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Bansemir (EP 3444055A) under 35 U.S.C. 102(b).

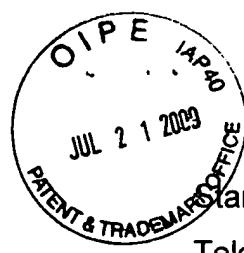
The rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Belyakova (SU 1641773) under 35 U.S.C. 102(b) is respectfully traversed. The SU 1641773 document does not disclose any composition having a pH of 9 or greater (all disclosed are lower pH compositions). Additionally, the reference only discloses hexafluorosilicic acid, not a metal salt containing composition as in Applicant's compositions. Moreover, the amount of the acid is 18-26%, much more than the 0.5-10% of the metal salt required in Applicant's claims. Thus, this document cannot, in any way, disclose or teach a composition of Applicant's claims. Therefore, the USPTO is respectfully requested to reconsider and withdraw this lack of novelty rejection of claims 1, 2 5-7, 10, 13 and 19 as being anticipated by Belyakova (SU 1641773) under 35 U.S.C. 102(b).

It is respectfully submitted that this Response is fully responsive to the march 23, 2009 Office Action and, further that the elected claims are drawn to patentable subject matter and are allowable and an early issuance of a Notice of Allowance is respectfully solicited. Respectfully Submitted.



George W. Rauchfuss, Jr., Esq.
Attorney for Applicant(s)
Registration No. 24,459

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor



Stamford, CT 06901-2682

Telephone: (203) 327-4500

Fax: (203) 327-6401

Date: July 20, 2009

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